

ESTTA Tracking number: **ESTTA1195544**

Filing date: **03/09/2022**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91249427
Party	Defendant Cyberman Security, LLC AKA The CyberHero Adventures: Defenders of the Digital Universe
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Signature	/Maxim H. Waldbaum/
Date	03/09/2022
Attachments	Cyberman Response To Oral Hearing Requested FINAL 3.9.2022.pdf(99044 bytes )

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<b>EVOLUTIONARY GUIDANCE MEDIA R&amp;D INC.,</b>	)	<b>Opposition No. 91249427</b>
	)	
<b>Opposer,</b>	)	<b>Serial No. 88219305</b>
<b>v.</b>	)	
	)	<b>Mark: THE CYBERHERO</b>
<b>CYBERMAN SECURITY, LLC AKA THE CYBERHERO ADVENTURES; DEFENDERS OF THE DIGITAL UNIVERSE</b>	)	<b>ADVENTURES; DEFENDERS OF THE DIGITAL UNIVERSE</b>
	)	
<b>Applicant</b>	)	<b>Published: May 14, 2019</b>
	)	
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<b>CYBERMAN SECURITY, LLC AKA THE CYBERHERO ADVENTURES; DEFENDERS OF THE DIGITAL UNIVERSE</b>	)	<b>Opposition No.: 91253845</b>
	)	
<b>Opposer</b>	)	<b>Serial No. 88293133</b>
	)	
<b>v.</b>	)	<b>Mark: CYBERHERO</b>
	)	
<b>EVOLUTIONARY GUIDANCE MEDIA R&amp;D INC.,</b>	)	<b>Published December 3, 2019</b>
	)	
<b>Applicant</b>	)	

**APPLICANT CYBERMAN SECURITY, LLC’S (OPPOSITION NO 91249427) AND  
OPPOSER CYBERMAN SECURITY, LLC’S (OPPOSITION NO. 91253845)  
RESPONSE TO ORAL HEARING REQUESTED**

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*Attorney(s) for Cyberman Security, LLC*

Defendant in Opposition No. 91249427 (“427”) and Plaintiff in Opposition No. 91253845 (“845”) Cyberman Security, LLC (hereinafter referred to as “CYBERMAN” or “Defendant in ‘427 and Plaintiff in ‘845, hereby submits this Response To the Trademark Trial and Appeal Board’s Oral Hearing Requested; Response Due, Order dated March 7, 2022 (the “Order”).

For the reasons set forth above, Cyberman respectfully responds as follows:

1. The non-requesting party plans to participate in the hearing;
2. Both parties plan to participate by **video conference**; and
3. Parties hereby provide the following three non-consecutive, agreed-upon dates and times for the hearing, such dates being between six and fourteen weeks beyond the mailing date of the Order: (1) April 20, 2022; (2) April 26, 2022; and (3) May 18, 2022, anytime between 10:00 a.m. and 3:00 p.m. Eastern Time.

Respectfully submitted,

DATED this 9<sup>th</sup> day of March, 2022.

RIMON, P.C.

By: /s/Maxim H. Waldbaum  
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*Attorney for Applicant in Opposition  
‘427 and Opposer in Opposition ‘845*

CERTIFICATE OF SERVICE

I hereby certify that on March 9th, 2022, a copy of the RESPONSE TO ORAL HEARING REQUESTED of Cyberman Security LLC, Applicant in Opposition No. 91249427 and Opposer in Opposition No. 91253845 was served by electronic mail on Evolutionary Guidance Media R&D Inc.'s attorney of record as follows:

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/s/ Tad Prizant

Tad Prizant